

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN THE MATTER OF:

**MILDRED FIGUERAS FIGUEROA
Debtor (s)**

**FIRSTBANK PUERTO RICO
Movant**

V.

**MILDRED FIGUERAS FIGUEROA
JOSE RAMON CARRION MORALES
CHAPTER 13 TRUSTEE
Respondents**

CASE NO: 09-02380 SEK

CHAPTER 13

11 USC 362 (d)

Request for relief from stay

MOTION FOR RELIEF FROM STAY

TO THE HONORABLE COURT:

COMES NOW creditor FIRSTBANK PUERTO RICO represented by the undersigned attorney and respectfully sets forth and prays as follow:

I. JURISDICTION

1. The Court has jurisdiction over the subject matter pursuant to the provisions of 28 U.S.C. section 1334 and section 157 (b)(2)(G).

II. CAUSE OF ACTION

2. This contested matter is brought pursuant to Bankruptcy Rules 9014, 4001, and Section 362 of the Bankruptcy Code.

3. This bankruptcy petition was filed on March 30, 2009.

4. FIRSTBANK PUERTO RICO is a secured creditor in the above captioned case and the holder in due course of a mortgage note encumbering the following property:

URBANA: Solar 9 manzana NM Bayamón Gardens 2da extensión Bo. Pájaros de Bayamón con cabida de 348.98 metros cuadrados. En lindes por el Norte, con el solar 6 distancia 13.5 metros; por el Sur, con la calle Carmen distancia de 13.85 metros; por el Este con e solar 8, distantacia de 26.85 metros y por el Oeste, con solar 10 en igual distancia. Contiene una casa de cemento para una familia.-----

Consta inscrita al folio 91 del tomo 719 de Bayamón, finca número 32983 del Registro de la Propiedad de Bayamon, Primera Sección.-----

5. Debtor's reorganization plan provides for the debtor to maintain regular payments directly to movant.

6. The record of the Debtor's loan shows an indebtedness of \$1,248.76 of post petition arrears; including legal fees and the filing fees of this motion, late charges and other charges, (See Exhibith B attached herein).

7. The property is burdensome for the bankruptcy estate; therefore lifting the automatic stay is in the benefit of all interested parties.

III. TREATMENT OF CLAIM

8. No future payments will be made to the movant under the plan by the Chapter 13 Trustee if the stay is lifted as herein requested.

IV. RELIEF FROM STAY

9. That section 362 (d) of the Bankruptcy Code (the "Code"), 11 U.S.C. § 362 (d)(1) provides the cause of action for relief from the automatic stay as requested:

"(d) On request of a party in interest and after notice and a hearing, the court shall grant relief from the stay provided under subsection (a) of this section, such as by terminating, annulling, modifying, or conditionig such stay

1. For cause, including the lack of adequate protection of an interest in property of such party in interest; or
2. With respect to a stay of an act against property under subsection (a) of this section, if-
 - A) The debtor does not have an equity in such property; and
 - B) Such property is not necessary to an effective reorganization.”

10. Cause exist for granting relief from the stay pursuant to section 362(d) supra, because the debtor is not complying with the terms of the plan.

WHEREFORE, Movant prays for an Order granting Relief from the Automatic Stay as requested.

Included as **Exhibit (A)**, is Movant Verified Statement regarding the information required by the Service Members Civil Relief Act of 2003 and a Department of Defense Manpower Data Center Military Status Report.

CERTIFICATE OF SERVICE

I hereby certify that on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which shall send notification of such filing, counsel for the Debtor and the Chapter 13 Trustee and to all CM/ECF participants.

/s/ William Santiago Sastre
USDC PR 201106
MELENDEZ-PEREZ, DE DIEGO & JIMENEZ
Attorney for FIRSTBANK PUERTO RICO
PO BOX 19328
San Juan, Puerto Rico 00910-1328
Tel:787-622-3939 / Fax: 787-622-3941
E-Mail: wsantiago@mpdjlaw.com